

**REMARKS:**

**Claims**

Claims 1 to 3, 5 to 10 and 12 to 18 remain in the application and new claims 19 to 30 have been added.

**Claim Rejections**

Claims 1 to 4, 6 to 11 and 13 to 18 were rejected as being anticipated by Collett (US 3,450,412) or Ware (US 2,585,706). Since a rejection under 35 USC 102(b) for anticipation requires that the single reference teach each and every element of the rejected claim (Atlas Powder v. E.I. DuPont, 750 F.2d 1569 (224 USPQ 409)(Fed. Cir. 1984)), applicant respectfully submits that the Examiner's rejections under 102 in this case fail to meet this test.

With respect to claims 1 and 8, both Collett and Ware fail to teach a seal cup wherein the outer diameter at the base is substantially equal to the inner diameter against which the seal cup is to seal. Instead, as noted by the Examiner, the cited references each include a base diameter that leaves an annular space between the outer surface at the base and the internal surface of the pipe in which it is positioned. Favorable reconsideration is respectfully requested.

With respect to claim 15, Ware fails to teach a method wherein a seal cup expands radially under operational differential pressure to create an interfacial region of contact of the cup skirt against the tubular member between the sealing barrier and the base. As noted above, Ware instead teaches a method wherein during operation an annular space is formed between the cup skirt and the pipe wall and as such in the cited reference no interfacial region of contact is formed between the sealing barrier and the base. Favorable reconsideration is respectfully requested.

Collett teaches two modes of operation but not the method as presently claimed. In one method of operation, Collett teaches that an annular space is formed between the cup skirt and the pipe wall and, as such, no interfacial region of contact is formed. In another method of operation disclosed with reference to Figure 3, Collett teaches that the skirt can flex out into contact with the pipe wall. However, in such a method Collett does not teach or suggest selecting the cup

skirt to provide for drainage of fluid from the interfacial region of contact away from the sealing barrier.

Thus in view of foregoing, the applicant submits that the claims patentably distinguish over Ware and Collett. The Examiner is requested to reconsider and withdraw the rejections to the claims.

### **New Claims**

New claims 19 to 30 have been added.

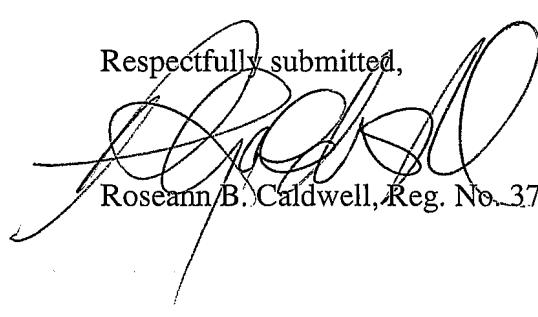
New claim 19 was introduced to combine the subject matter of original claims 1 and 5, of which claim 5 was indicated as being allowable.

New claim 25 was introduced to combine the subject matter of claims 8 and 12, of which claim 12 was indicated as being allowable.

### **Conclusions**

Applicant submits that claims 1 to 3, 5 to 10 and 12 to 30 are in a condition for allowance and such allowance is respectfully requested.

Respectfully submitted,



Roseann B. Caldwell, Reg. No. 37,077

BENNETT JONES LLP  
4500 Bankers Hall East  
855 – 2<sup>nd</sup> Street SW  
Calgary, Alberta  
CANADA T2P 4K7  
(403) 298-3661

Date: Jan 3/06